WILLS — REVIVAL AND REPUBLICATION — EFFECT OF REPUBLICATION ON LAPSED LEGACIES. — After the death of a legatee under her will, testatrix executed a codicil containing no reference to the legacy in question. By statute the lineal descendants of a predeceasing legatee take the bequest. (CAL. CIVIL CODE, § 1310.) Estate proceedings were brought to determine *inter alia* the rights of a son of the legatee. *Held*, that as the codicil republished the will, the son does not take. *In re Matthews' Estate*, 169 Pac. 233 (Cal.).

As a general rule, the execution of a codicil operates to republish the will. *In re Campbell*, 170 N. Y. 84, 62 N. E. 1070; *Wait* v. *Belding*, 24 Pick. (Mass.) 129. However, a contrary intent will vary the rule, and such intent may be implied from circumstances. *Alsop's Appeal*, 9 Pa. 374. See 1 JARMAN, WILLS, 5 Am. ed., 364. A charitable bequest is not republished if thereby illegalized. *Appeal of Carl*, 106 Pa. 635; *Estate of McCauley*, 138 Cal. 432, 71 Pac. 512. It is submitted that wherever the effect is to render the legacy void, and where no intent is expressed, the fair implication supports an intent not to republish. In the converse case of an adeemed legacy, the execution of a codicil does not cause a revival thereof. *Hopwood* v. *Hopwood*, 7 H. L. C. 727; *Paine* v. *Parsons*, 14 Pick. (Mass.) 318. Even assuming this to be an improper interpretation of the doctrine of republication, it does not follow that the principal case is sound. Under statutory provisions, identical in substance with that herein involved, the majority of jurisdictions refuse to apply the otherwise settled rule that a legacy to a deceased person is void. *Winter* v. *Winter*, 5 Hare, 306; *Minter's Appeal*, 40 Pa. 111. *Contra*, *Twitty* v. *Martin*, 90 N. C. 643. See 2 WOERNER, AMERICAN LAW OF ADMINISTRATION, § 435. Hence the present case does not seem consistent either with principle or with the better rule of the authorities.

BOOK REVIEWS

THE LAW OF EMINENT DOMAIN. A Treatise on the Principles which affect the Taking of Property for Public Use. By Phillip Nichols. Second Edition. Two volumes. Albany: Mathew Bender and Company. 1917. pp. cclii, 1577.

This edition, which contains nearly three times as many pages as the first, published eight years ago, is in fact a wide extension of the scope of the earlier book. The first edition was avowedly confined largely to the principles of constitutional law underlying and limiting the power of eminent domain and its exercise. The author has added to the second edition a great mass of material relating to the measure of compensation and the procedure in condemnation cases. Nearly twenty thousand cases are cited. Such examination as it has been possible for the reviewer to make indicates that most of the more important English cases have been cited. Because of constitutional and statutory provisions which so largely govern the exercise of this power in the United States, the treatment is based almost entirely upon American law. While the discussion of principles and of the leading concepts is intelligent and helpful, the book is primarily for the bar and for practical use in brief making. It would seem that the work in its present form is at least as useful as any now published. There is opportunity for a scholarly and original examination of such fundamental conceptions as "Public Use," "Public Purpose," "Servitudes," "Police Power," and "The Doctrine of Necessity." It is not surprising, however, that a practitioner's book should confine itself to a consideration of the expressed results of court decisions. This, it is believed, the present book has done with accuracy and thoroughness. HENRY M. BATES.